



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/945,350	08/31/2001	Eddie Drake	338528007US1	1476

28524 7590 04/20/2006

SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN, NJ 08830

EXAMINER

SALTARELLI, DOMINIC D

ART UNIT	PAPER NUMBER
----------	--------------

2623

DATE MAILED: 04/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/945,350

Applicant(s)

DRAKE ET AL.

Examiner

Dominic D. Saltarelli

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 February 2006.
2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-102 is/are pending in the application.
4a) Of the above claim(s) 3,7,34,37 and 72-102 is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1,2,4-6,8-33,35,36 and 38-71 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2/21/02, 5/20/02.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of the election requirement in the reply filed on February 6, 2006 is acknowledged. The traversal is on the grounds that examination of all the claims would pose no serious burden on the examiner. This is not found persuasive because the claimed subject matter covers a very wide range of distinct applications. Claims 1, 4-6, 8-33, 35, 36, and 38-49 are generic. Claims 2 and 50-71 are directed towards selecting content for presentation to viewers. Claims 3, 7, 34, 37, and 72-83 are directed towards detecting what content is being displayed to a user and determining if the user is authorized to view said content. Claims 84-88 are directed towards calculating the popularity of groups of content. Claims 89-95 are directed towards adjusting a user interface. Claims 96-102 are directed towards monitoring viewer's reaction to content.

The requirement is still deemed proper and is therefore made FINAL.

2. Claims 3, 7, 34, 37, and 72-102 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the election requirement in the reply filed on February 6, 2006.

Specification

3. Applicant is reminded of the proper language and format for an abstract of the disclosure.

Art Unit: 2623

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

4. The abstract of the disclosure is objected to because line 4 contains the phrase "is described" which should be removed. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 101

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 26 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Data signals, *per se*, are not a process, machine, manufacture, or composition of matter, and thus not directed towards statutory subject matter.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claim 43 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Lines 2 and 4 of claim 43 refers to "that Set-Top Box", and it is unclear exactly what set top box is being referred to given the numerous references to multiple set top boxes throughout claims 32 and 43. The examiner's best understanding of this claim is "that Set-Top Box" referred to, is simply another set top box of the claimed multiple Set-Top Boxes introduced in lines 2-3 of claim 32.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1, 4-6, 8-13, 21-31, 40, and 48 rejected under 35 U.S.C. 102(b) as being anticipated by Brown (5,857,190).

Regarding claims 1 and 23-31, Brown discloses a method (performed by a computing device with a memory for storing instructions for executing said method, see fig. 1) in a set top box that assists in presenting content to viewers, the method providing information about interactions with the viewers (col. 2, lines 20-35), comprising:

monitoring received input from the viewers (col. 5, lines 9-29); and

in response to detecting that the received input is an interaction of a type of interest (col. 5, lines 43-50), sending an event message to an event server (col. 5, lines 30-42), the event message identifying the type of the detected interaction and an indication of the set top box (the `lpszSource` and `fwType` parameters in the event message specify the source and type, respectively, of the message, see table 1 in col. 10).

Regarding claim 4, Brown discloses the method of claim 1, wherein the sending of the event message is performed in real time (col. 7, lines 54-67).

Regarding claim 5, Brown discloses the method of claim 1, wherein the event message additionally includes information specific to a current occurrence of the detected interaction (the `lpszMessage` parameter listed in table 1 in col. 10 describes the event being reported).

Regarding claim 6, Brown discloses the method of claim 1, wherein the event message additionally includes information related to the viewers (the event describes actions taken by viewers, such as key depressions made on a remote control, col. 6, lines 34-44).

Regarding claims 8-11 and 40, Brown discloses the method of claim 1, wherein the set top box sends audio and visual content to a television for reproduction (col. 4, lines 12-24).

Regarding claim 12, Brown discloses the method of claim 1, wherein the set top box assists in presenting content to the viewers by modifying received content before the content is provided to a content presentation device (the set top device controls which program or services of the received content are displayed, thus the received content is modified by selective demodulation and decoding of portions of the received content, col. 4, lines 12-24, and the set top device further modifies received content through the generation and display of interactive services, such as the interactive program guide, col. 4, lines 47-65).

Regarding claim 13, Brown discloses the method of claim 1, wherein the set top box assists in presenting the content to viewers by generating content to be provided to a content presentation device (the set top generates interactive user interfaces and displays for interactive services, such as the grid-like menu of an electronic program guide, col. 4, lines 47-65).

Regarding claims 21 and 22, Brown discloses the method of claim 1, wherein the content is sent from a content server to the set top box in a multi-

Art Unit: 2623

cast mode (col. 3 line 65 – col. 4 line 7) or a single-cast mode (col. 13, lines 20-28).

Regarding claim 48, Brown discloses the computer readable medium of claim 23, wherein the computing device is an Audience Tracking Server (shown as event log manager 56 in fig. 1).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 2, 18, 50-63, and 66-71 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown in view of Rautila et al. (6,918,131) [Rautila].

Regarding claim 2, Brown discloses the method of claim 1, but fails to disclose when a detected interaction is of a content control type that indicates a change in the content, additionally sending an indication of the detected interaction to a content provider, so that the content provider can provide new content that corresponds to the indicated change.

In an analogous art, Rautila teaches a television distribution system that provides content based upon the detected viewing of programs by viewers (customizing information in the form of advertisements, col. 3, lines 22-30, are

Art Unit: 2623

provided to viewer upon detection of which program the viewer is watching, col. 3, lines 42-60), providing the benefit of targeted advertising (col. 3 line 61 – col. 4 line 6).

It would have been obvious at the time to a person of ordinary skill in the art to modify the method disclosed by Brown to include providing content to viewers from content providers based upon the detected viewing of programs by viewers, as taught by Rautila, for the benefit of displaying targeted, and thus more effective, advertising to viewers. The detected viewing of programs which triggers the delivery of new content is indicated by the detected interactions that are reported to the headend as described in the method taught by Brown.

Regarding claim 18, Brown discloses the method of claim 1, but fails to disclose receiving a message from the event server requesting information from viewers, and in response obtaining the requested information from the viewers and sending the obtained information to the event server.

In an analogous art, Rautila teaches a television distribution system wherein user interaction is requested by an event server, and the resultant input by users is reported back upstream to the event server (such as a request for interactive voting, and the reporting of voting results, col. 4, lines 7-35), providing the benefit of adding user interactivity to displayed programming.

It would have been obvious at the time to a person of ordinary skill in the art to modify the method disclosed by Brown to include receiving a message from

the event server requesting information from viewers, and in response obtaining the requested information from the viewers and sending the obtained information to the event server, as taught by Rautila, for the benefit of adding user interactivity to displayed programming which enhances the appeal and interest of programming.

Regarding claims 50, 66, 67, and 71, Brown discloses a method comprising receiving a plurality of event message that are each sent from one of multiple set top boxes in response to an interaction with the set top box by viewers of a display device associated with that set top box (col. 5, lines 9-42) and identifying from the event messages viewers to whom the content is currently being presented (events include information identifying their source, see table 1 in col. 10).

Brown fails to disclose selecting based on the identified viewers distinct content to be presented to the multiple display devices.

In an analogous art, Rautila teaches a television distribution system that provides content based upon the detected viewing of programs by viewers (customizing information in the form of advertisements, col. 3, lines 22-30, are provided to viewer upon detection of which program the viewer is watching, col. 3, lines 42-60), providing the benefit of targeted advertising (col. 3 line 61 – col. 4 line 6).

It would have been obvious at the time to a person of ordinary skill in the art to modify the method disclosed by Brown to include providing content to viewers from content providers based upon the detected viewing of programs by viewers, as taught by Rautila, for the benefit of displaying targeted, and thus more effective, advertising to viewers. The detected viewing of programs which triggers the delivery of new content is indicated by the detected interactions that are reported to the headend as described in the method taught by Brown.

Regarding claims 51-55, and 68, Brown and Rautila disclose the method of claim 50, wherein the selected content are advertisements tat are selected based upon a number of viewers in a particular demographic exceeding a threshold (Rautila, col. 3 line 61 - col. 4 line 6).

Regarding claim 56, Brown and Rautila disclose the method of claim 50, wherein the selected content is presented on the display devices only temporarily (the content are advertisements).

Regarding claims 57-58, Brown and Rautila disclose the method of claim 50, wherein the distinct content is selected based on a change in demographics and number of viewers in near real time (selection is performed periodically, Rautila, col. 3, lines 61-67).

Regarding claims 59 and 69, Brown and Rautila disclose the method of claims 50 and 67, but fail to disclose the distinct content is selected based on a real time change in the viewers (including demographics).

Examiner takes official notice that advertisement selection systems that select advertisements based on real time changes in viewership data are notoriously well known in the art, as said known systems provide advertisement selection that is most relevant to the current viewer base.

It would have been obvious at the time to a person of ordinary skill in the art to modify the method disclosed by Brown and Rautila to include selecting content based on a real time change in the viewers, providing the benefit of content selection that is always most relevant to the current viewership base.

Regarding claims 60 and 61, Brown and Rautila disclose the method of claim 50, including notifying a content server to send the selected content to the multiple display devices for presentation (Rautila, col. 3 line 61 – col. 4 line 6).

Regarding claim 62, Brown and Rautila disclose the method of claim 50, wherein the distinct content is one of multiple different groups of content available for selection, and wherein the distinct content is selected for presentation in a manner so as to maximize revenue provided by a third party based on the current identified viewers (groups of advertisements are selected to

Art Unit: 2623

appeal to the audience to which they are targeted, maximizing revenue, Rautila, col. 3 line 61 – col. 4 line 6).

Regarding claim 63, Brown and Rautila disclose the method of claim 50, wherein the distinct content is one of multiple different groups of content available for selection, and wherein the distinct content is selected for presentation in a manner so as to maximize interest in the current identified viewers in continuing to view the presentation of content (groups of advertisements are selected to appeal to the audience to which they are targeted, maximizing the interest in said content by the demographic to which they are targeted, Rautila, col. 3 line 61 – col. 4 line 6).

Regarding claim 70, Brown and Rautila disclose the method of claim 67, wherein the distinct content is selected based on a type of one or more of the interactions that are not content control instructions (Rautila teaches displaying distinct content that is based on user interactions with regard to interaction with an application, such as a voting application, and not content control instructions, col. 4, lines 7-34).

12. Claim 14, 16, and 17 rejected under 35 U.S.C. 103(a) as being unpatentable over Brown.

Regarding claim 14, Brown discloses the method of claim 1, but fails to disclose the event message is sent using a User Datagram Protocol.

Examiner takes official notice that the use of the User Datagram Protocol (UDP) is notoriously well known, as UDP is a nigh universally accepted lightweight standard for quickly and efficiently transmitting data over a network.

It would have been obvious at the time to a person of ordinary skill in the art to modify the method of Brown to include using a UDP to send the event messages, as UDP is a wide spread lightweight standard for quickly and efficiently transmitting data over data networks.

Regarding claims 16 and 17, Brown discloses the method of claim 1, but fails to disclose receiving a ping message (status request) from the event server, and in response sending a ping response message (status information) that indicates that the set top box is functioning.

Examiner takes official notice that it is notoriously well known in the art to relay ping messages back and forth between a headend and client device in a data network, as ping messages constantly inform the headend of the status of client devices, and are also useful in measuring response time and latency of a network.

It would have been obvious at the time to a person of ordinary skill in the art to modify the method disclosed by Brown to include receiving a ping message from the event server, and in response sending a ping response message that

indicates that the set top box is functioning, as ping messages are a staple feature of data networks and are the primary means in use in industry to track the status of client devices and the measure response time and latency of communications between a headend and client.

13. Claims 15, 19, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown in view of Grauch et al. (WO 98/31114) [Grauch].

Regarding claim 15, Brown discloses the method of claim 1, but fails to disclose, in response to detecting a powerdown of the set top box, sending an event message to the event server indicating the powerdown.

In an analogous art, Grauch discloses an event reporting system wherein an event message is generated indicating powerdown of a set top box when said powerdown is detected, providing an indication of the status of the unit (page 10, lines 11-24).

It would have been obvious at the time to a person of ordinary skill in the art to modify the method disclosed by Brown to include, in response to detecting a powerdown of the set top box, sending an event message to the event server indicating the powerdown, as taught by Grauch, for the benefit of indicating the status of a users interface unit (see Brown, col. 6, lines 14-17 regarding "informational events").

Regarding claims 19 and 20, Brown discloses the method of claim 1, and teaches the desirability of tracking all manner of user interactions (col. 5 line 65 – col. 6 line 44), but fails to specifically disclose the detected interaction is an instruction to change a channel or to control flow of the content being presented.

In an analogous art, Grauch discloses an event reporting system wherein an event message is generated when a viewer changes a channel or controls the flow of content being presented (page 10, lines 11-26).

It would have been obvious at the time to a person of ordinary skill in the art to modify the method disclosed by Brown to include detecting and reporting interactions to change a channel or to control flow of the content being presented, as taught by Grauch, for the benefit of reporting user interactions of interest (a feature desired by Brown).

14. Claims 32, 33, 35, 36, 38-43, 45-47, and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown in view of Lambert et al. (6,038,601, listed in the IDS supplied by applicant May 20, 2002) [Lambert].

Regarding claims 32, 33, 43, 47, and 49, Brown discloses a method in an event tracking server (shown as event log manager 56 in fig. 1) for monitoring interactions between viewers of content presented on content presentation devices and set top boxes associated with those content presentation devices (col. 3 line 65 – col. 4 line 24), the set top boxes for assisting in presented the content to the viewers (col. 4, lines 12-24), comprising:

receiving a plurality of event messages that are each sent from one of the multiple set top boxes in response to an interaction with that set top box by viewers of a content presentation device associated with that set top box (col. 5, lines 9-42); and

tracking audience information for the presented content based on the received event message of the set top boxes (col. 6, lines 45-58).

Brown fails to disclose determining one or more of the set top boxes from which an event message has not been received for a predetermined period of time, sending a status message to each of the determined set top boxes, and determining a current status of each of the determined set top boxes.

In an analogous art, Lambert teaches a system for gathering user statistics regarding content chosen for viewing (fig. 5) wherein accurate gathering of usage statistics is accomplished by polling a subscriber for status information (the server is seeking confirmation of an active client device, col. 27, lines 55-67) when no notifications have arrived from said subscriber after a predetermined period of time (col. 28, lines 39-59).

It would have been obvious at the time to a person of ordinary skill in the art to modify the method disclosed by Brown to include polling a subscriber for status information when no event messages have arrived from said subscriber after a predetermined period of time, as taught by Lambert, for the benefit of improved usage statistics gathering, as knowledge of the operability of a

subscriber device is highly relevant to a system attempting to track the usage habits of subscribers.

Regarding claim 35, Brown and Lambert disclose the method of claim 32, wherein the receiving of the event messages is in real time with respect to the corresponding interaction (Brown, col. 7, lines 54-67).

Regarding claim 36, Brown and Lambert disclose the method of claim 32, wherein the event messages each additionally include information related to the viewers of the content presentation device associated with the set top box from which the event message was received (the events describe actions taken by viewers, such as key depressions made on a remote control, Brown, col. 6, lines 34-44).

Regarding claims 38-40, Brown and Lambert disclose the method of claim 32, including presenting the content to the content presentation devices (content is routed through the set top box to a television, Brown, col. 4, lines 12-24).

Regarding claim 41, Brown and Lambert disclose the method of claim 32, but fail to disclose the status message is sent using a reliable transmission protocol.

Examiner takes official notice that reliable transmission protocols are notoriously well known in the art, as said protocols ensure that messages arrive error free at their destinations.

It would have been obvious at the time to a person of ordinary skill in the art to modify the method disclosed by Brown and Lambert to include utilizing a reliable transmission protocol, for the benefit of ensuring that the status messages arrive error free at their destinations.

Regarding claim 42, Brown and Lambert disclose the method of claim 32, wherein the status message is a ping message (Lambert, col. 25, lines 47-55).

Regarding claims 45 and 46, Brown and Lambert disclose the method of claim 32, wherein the content is sent from a content server to the set top box in a multi-cast mode (Brown, col. 3 line 65 – col. 4 line 7) or a single-cast mode (Brown, col. 13, lines 20-28).

15. Claim 44 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brown and Lambert as applied to claim 32 above, and further in view of Rautila.

Regarding claim 44, Brown and Lambert disclose the method of claim 32, wherein all information received from the set top boxes is used in tracking of audience information (Brown, col. 6, lines 45-58), but fail to disclose requesting from the set top boxes information from the viewers of the content presentation

device associated with that set top box, and in response received the requested viewer information.

In an analogous art, Rautila teaches a television distribution system wherein user interaction is requested by an event server, and the resultant input by users is reported back upstream to the event server (such as a request for interactive voting, and the reporting of voting results, col. 4, lines 7-35), providing the benefit of adding user interactivity to displayed programming.

It would have been obvious at the time to a person of ordinary skill in the art to modify the method disclosed by Brown and Lambert to include requesting information from the viewers, and in response receiving the requested viewer information, as taught by Rautila, for the benefit of adding user interactivity to displayed programming which enhances the appeal and interest of programming.

16. Claim 65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown and Rautila as applied to claim 50 above, and further in view of Klosterman et al. (6,469,753) [Klosterman].

Regarding claim 65, Brown and Rautila disclose the method of claim 50, wherein the distinct content is one of multiple different groups of content available for selection (different groups of advertisements are available for different demographic groups, Rautila, col. 3 line 61 – col. 4 line 6), but fail to disclose the distinct content is selected for presentation in a manner so as to

maximize interest in viewers to whom other content is being presented to select the distinct content for viewing.

In an analogous art, Klosterman teaches a system which inserts advertisements for display to viewers which maximize interest in viewers to whom other content is being presented to select the distinct content for viewing (the advertisements are for alternative content shown on another channel, encouraging users to tune to said alternative channel, col. 6 line 47 - col. 7 line 5), providing the benefit of allowing broadcasters to promote particular preferred programming over other programming a user may otherwise be watching (col. 7, lines 1-5).

It would have been obvious at the time to a person of ordinary skill in the art to modify the method disclosed by Brown and Rautila to include distinct content is selected for presentation in a manner so as to maximize interest in viewers to whom other content is being presented to select the distinct content for viewing, as taught by Klosterman, for the benefit of allowing broadcasters to promote particular preferred programming over other programming a user may otherwise be watching.

Allowable Subject Matter

17. Claim 64 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

18. The following is an examiner's statement of reasons for allowance: Claim 64 is directed towards a method which selects distinct content for viewing which is selected for the purpose of minimizing interest in the continued viewing of content. The examiner is not aware of any art that teaches selecting content for display that actively discourages viewer interest. Essentially, the claim describes a method which selects advertisements or other distinct content expressly to get a viewer to turn their television off or to leave the room.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

19. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

on _____.
(Date)

Typed or printed name of person signing this certificate:

Signature: _____

Registration Number: _____

Certificate of Transmission

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. () _____ - _____ on _____.
(Date)

Typed or printed name of person signing this certificate:

Signature: _____

Registration Number: _____

Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dominic D. Saltarelli whose telephone number is (571) 272-7302. The examiner can normally be reached on Monday - Friday 7:00am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dominic Saltarelli
Patent Examiner
Art Unit 2623

DS


JOHN MILLER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600